

Amendment No. 1 to SB2890

Beavers
Signature of Sponsor

AMEND Senate Bill No. 2890*

House Bill No. 3040

by deleting all language after the enacting clause and by substituting instead the following:

Tennessee Code Annotated, Title 38, Chapter 3, Part 1, is amended by adding the following as a new section:

Section 38-3-124.

(a) The chief law enforcement officer of a county or municipal law enforcement agency may request and shall be granted from the clerk of the appropriate court, or other authorized officer, an agreed-upon number of signed but otherwise blank subpoenas, as authorized by Rule 17(a) of the Tennessee Rules of Criminal Procedure, for use by the requesting law enforcement agency.

(b) The number and frequency with which blank subpoenas are issued shall be determined by agreement between the clerk and the chief law enforcement officer, but it is the intent of this section that law enforcement officers have a sufficient number of blank subpoenas available to insure that the time of law enforcement personnel not be spent obtaining subpoenas pursuant to in Rule 17 of the Tennessee Rules of Criminal Procedure.

(c) The chief law enforcement officer of a county or municipal law enforcement agency may permit any full-time law enforcement officer who has been certified by the peace officer standards and training commission and is employed by such agency to carry blank subpoenas issued by the clerk as permitted by this section.

(d) If during the course of the officer's duties in the detection and prevention of crime, such officer arrests a person for the commission of a criminal offense, the officer may issue and serve a subpoena at the scene of such arrest if:

(1) The person arrested for the offense is still present;

(2) The officer determines at the scene of the arrest that the testimony of a witness to the offense is necessary in the prosecution of the person arrested; and

(3) The officer:

(A) Completes the subpoena prior to service; and

(B) Ensures that the date of attendance listed on the subpoena is reasonably likely to be the arrested person's court date.

(e) An officer issuing a subpoena pursuant to this section shall ensure that the subpoena is returned to the court as required by law within three (3) days of service.

SECTION2 . This act shall take effect July 1, 2010, the public welfare requiring it.